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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,191

06/25/2004

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

MAIL DATE

DELIVERY MODE

07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,191	Applicant(s) SANO, MASAHIRO	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-13-2007 has been entered.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 4 of claims 1 and 3, the phrase "tops and bottoms continue with each other" is grammatically awkward and confusing.

In claim 2, lines 3-4, no antecedent has been established for "the joined portion of the protruding portions", it being noted that such antecedent was deleted from claim 1. This lack of antecedent also makes it difficult to determine exactly what the scope is of this claim. Applicant is also advised that if this claim is amended to define that this high decorative part is on the "joined portion" of protruding portion and decorative portion as defined in claim 1 as amended, as opposed to the joined portion of protruding portions (e.g. fig. 6) as presently defined, a lack of description/new matter rejection will be considered.

In claim 4, lines 2-3 refer to a ratio of widths that seems to be inconsistent with the flat portions as defined in the last two lines of claim 3 as amended. In particular, claim 3 now defines the flat portions as being between the protruding portions and the

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decorative portion whereas claim 4 is referencing widths that would only have relevance to flat portions located between adjacent protruding portions (note esp. fig. 11). This inconsistency raises significant confusion in assessing the scope of this claim. No prior art rejection will be attempted for this claim as no logical consistent interpretation can be given of the inconsistent requirements of this claim when read in view of the claim 3 requirements.

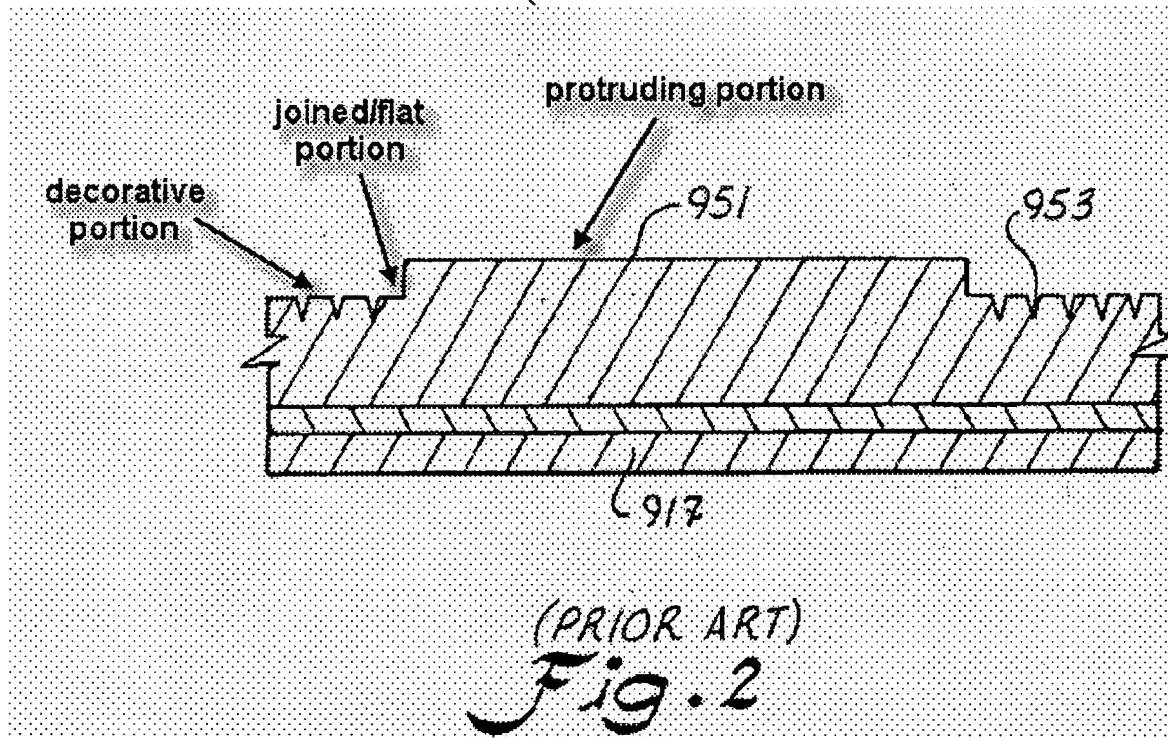
In claim 7/(3-6), no antecedent has been established for "the joined portion" - note that claims 3-6 do not use this term. As such, it is not entirely clear what part is being referenced. Also, the use of "any of" in claim 7, line 2 is confusing, it not being clear what is intended by this in this context (this "any of" seemed to make more sense prior to the deletion in line 3).

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kemp et al. (US 6,253,815).

Kemp et al. discloses a tire having a sidewall patterning that includes decorative, joined/flat and protruding portions that are considered to satisfy the claimed requirements - note the following marked up copy of fig. 2:

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A tire as required by claims 1 and 3 is therefore anticipated by this disclosure.

5. Claims 2 and 7/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp et al. (US 6,253,815) as applied above, and further in view of Roberts et al. (US 4,198,774).

As already noted, the 112 ambiguities in claim 2 make the scope of this claim difficult to interpret. In any event, the inclusion of high decorative parts in similarly configured sidewall designs is obvious in view of esp. fig. 3A of Roberts.

As to claim 7, the illustrated relative dimensions are considered to suggest or certainly render obvious relative heights within the broadly claimed range following the guidance provided by this figure.

6. Claims 7/1 and 7/3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kemp et al. (US 6,253,815).

As to claim 7, the illustrated relative dimensions are considered to suggest or certainly render obvious relative heights within the broadly claimed range following the guidance provided by this figure.

7. Claims 5, 6, 7/5 and 7/6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp et al. (US 6,253,815) as applied above, and further in view of JP 2000-255224 (cited by applicant) and optionally Ratliff, Jr. (US 5,807,446).

The requirements of claims 5 and 6 would have been obvious in view of JP '224 and optionally Ratliff, Jr. for substantively the same reasons applied in the prior office actions.


8. Applicant's arguments have been considered and are not disagreed (with respect to the prior rejections which have been withdrawn) but are moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
July 18, 2007